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| <b>A CERTIFIED TRUE COPY</b><br><div style="border: 1px solid black; padding: 5px; text-align: center;">JAN - 7 2008</div> ATTEST<br><i>[Signature]</i><br>FOR THE JUDICIAL PANEL ON<br>MULTIDISTRICT LITIGATION | <b>U.S. DISTRICT COURT</b><br>EASTERN DISTRICT OF LOUISIANA<br><div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>FILED</b><br/> <b>JAN - 7 2008</b> </div> <b>LORETTA G. WHYTE</b><br>CLERK | <b>JUDICIAL PANEL ON</b><br><b>MULTIDISTRICT LITIGATION</b><br><br><b>DEC 20 2007</b><br>FILED<br>CLERK'S OFFICE |
|  | <b>UNITED STATES JUDICIAL PANEL</b><br><b>MULTIDISTRICT LITIGATION</b><br><b>MARKETING, SALES PRACTICES</b><br><b>AND PRODUCTS LIABILITY LITIGATION</b>   |  |

MDL No. 1657

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-127)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 360 F.Supp.2d 1352 (J.P.M.L. 2005). Since that time, 6,557 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Inasmuch as no objection is pending at this time, the stay is lifted.  

JAN - 7 2008

 CLERK'S OFFICE  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

*[Signature]*  
 Jeffery N. Lüthi  
 Clerk of the Panel

**CLERK'S OFFICE**  
**A TRUE COPY**  

JAN 14 2008  
*[Signature]*

 Deputy Clerk, U.S. District Court  
 Eastern District Of Louisiana  
 New Orleans, La.

Fee \_\_\_\_\_  
 Process \_\_\_\_\_  
☒ Dktd \_\_\_\_\_  
 CtRmDep \_\_\_\_\_  
 Doc. No. \_\_\_\_\_

**IN RE: VIOXX MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1657

**SCHEDULE CTO-127 - TAG-ALONG ACTIONS**

| <u>DIST. DIV. C.A. #</u>      | <u>CASE CAPTION</u>                                 | <u>EDLA<br/>SEC.L/3</u> |
|-------------------------------|---|-------------------------|
| <b>MASSACHUSETTS</b>          |   |                         |
| MA 1 07-12219                 | Heather Thompson, etc. v. Merck & Co., Inc.         | 08-0131                 |
| <b>MARYLAND</b>               |   |                         |
| MD 1 07-3036                  | Ronald L. Pike v. Merck & Co., Inc.                 | 08-0132                 |
| MD 1 07-3058                  | Richard L. Jones v. Merck & Co., Inc.               | 08-0133                 |
| MD 1 07-3072                  | Jeanne E. Pittman v. Merck & Co., Inc.              | 08-0134                 |
| MD 1 07-3073                  | Ralph E. Dennis v. Merck & Co., Inc.                | 08-0135                 |
| <b>MINNESOTA</b>              |   |                         |
| MN 0 07-4782                  | David Rockell, et al. v. Merck & Co., Inc., et al.  | 08-0136                 |
| MN 0 07-4784                  | Anna L. Barnes, et al. v. Merck & Co., Inc., et al. | 08-0137                 |
| <b>MISSISSIPPI NORTHERN</b>   |   |                         |
| MSN 1 07-300                  | Dianne Laine, et al. v. Merck & Co., Inc.           | 08-0138                 |
| MSN 1 07-305                  | Willie Lou Robinson, etc. v. Merck & Co., Inc.      | 08-0139                 |
| MSN 3 07-150                  | Dorothy Savage v. Merck & Co., Inc.                 | 08-0140                 |
| MSN 3 07-151                  | Jerry Farmer, et al. v. Merck & Co., Inc.           | 08-0141                 |
| MSN 3 07-152                  | Sharlot Hays, et al. v. Merck & Co., Inc.           | 08-0142                 |
| MSN 4 07-195                  | Katherine Conrad, etc. v. Merck & Co., Inc.         | 08-0143                 |
| <b>MISSISSIPPI SOUTHERN</b>   |   |                         |
| MSS 2 07-338                  | Eleanor K. Sims, et al. v. Merck & Co., Inc.        | 08-0144                 |
| MSS 3 07-705                  | Leola Bracey, et al. v. Merck & Co., Inc.           | 08-0145                 |
| MSS 3 07-706                  | Carrie Barnes Larry v. Merck & Co., Inc.            | 08-0146                 |
| MSS 3 07-720                  | Michael Dillon, etc. v. Merck & Co., Inc.           | 08-0147                 |
| MSS 4 07-159                  | Sandra Altman, et al. v. Merck & Co., Inc.          | 08-0148                 |
| MSS 4 07-160                  | Robert Charles Johnson v. Merck & Co., Inc.         | 08-0149                 |
| MSS 5 07-218                  | Doretha Hedrick, et al. v. Merck & Co., Inc.        | 08-0150                 |
| <b>NORTH CAROLINA EASTERN</b> |   |                         |
| NCE 5 07-481                  | Robert E. Phillips, et al. v. Merck & Co., Inc.     | 08-0151                 |
| NCE 5 07-482                  | Robert W. Culp, et al. v. Merck & Co., Inc.         | 08-0152                 |
| NCE 5 07-483                  | Lisa Genea England v. Merck & Co., Inc.             | 08-0153                 |
| NCE 5 07-484                  | Gary Bruce Morgan, Sr., et al. v. Merck & Co., Inc. | 08-0154                 |
| NCE 5 07-485                  | Timothy Patrick Herron, et al. v. Merck & Co., Inc. | 08-0155                 |
| NCE 5 07-486                  | Cecil John Munday, et al. v. Merck & Co., Inc.      | 08-0156                 |
| NCE 5 07-487                  | Lloyd Wayne Bishop, et al. v. Merck & Co., Inc.     | 08-0157                 |
| NCE 5 07-488                  | Frederick Hendley, et al. v. Merck & Co., Inc.      | 08-0158                 |
| NCE 5 07-490                  | Quan Williams v. Merck & Co., Inc.                  | 08-0159                 |

**MDL No. 1657 - Schedule CTO-127 Tag-Along Actions (Continued)**

| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u>  | <u>EDLA<br/>SEC. L/3</u> |
|--------------------------|--|--------------------------|
| NEW JERSEY               |  |                          |
| <del>NJ 1 07-5517</del>  | <del>Eric County, New York v. Merck &amp; Co., Inc. Opposed 1/4/08</del> |                          |
| NEW YORK EASTERN         |  |                          |
| NYE 1 07-4949            | Michael Mangino v. Merck & Co., Inc.                                     | 08-0160                  |
| NYE 1 07-4950            | Beverly Siders v. Merck & Co., Inc.                                      | 08-0161                  |
| NEW YORK SOUTHERN        |  |                          |
| NYS 1 07-10514           | Margaret Anderson, et al. v. Merck & Co., Inc., et al.                   | 08-0162                  |
| NYS 1 07-10670           | Socorro Rivera, et al. v. Merck & Co., Inc.                              | 08-0163                  |
| NEW YORK WESTERN         |  |                          |
| NYW 6 07-6577            | Karen Gordon v. Merck & Co., Inc., et al.                                | 08-0164                  |
| NYW 6 07-6578            | Kathleen Lapp v. Merck & Co., Inc., et al.                               | 08-0165                  |
| NYW 6 07-6579            | Marie Zika v. Merck & Co., Inc., et al.                                  | 08-0166                  |
| NYW 6 07-6580            | Frances Agnello v. Merck & Co., Inc., et al.                             | 08-0167                  |
| NYW 6 07-6581            | Beverly Eubanks v. Merck & Co., Inc., et al.                             | 08-0168                  |
| NYW 6 07-6582            | Joann Efthemis v. Merck & Co., Inc., et al.                              | 08-0169                  |
| VIRGINIA WESTERN         |  |                          |
| VAW 6 07-45              | Adeline Thomas Mosby v. Merck & Co., Inc.                                | 08-0170                  |
| WEST VIRGINIA SOUTHERN   |  |                          |
| WVS 2 07-766             | Elizabeth Anne Tomlin, et al. v. Merck & Co., Inc.                       | 08-0171                  |
| WVS 2 07-767             | Willa D. Hunt, et al. v. Merck & Co., Inc.                               | 08-0172                  |
| WVS 2 07-768             | Mildred Hastings, et al. v. Merck & Co., Inc.                            | 08-0173                  |
| WVS 2 07-769             | Nelson Fowler, etc. v. Merck & Co., Inc.                                 | 08-0174                  |

## UNITED STATES JUDICIAL PANEL

on

## MULTIDISTRICT LITIGATION

## CHAIRMAN:

Judge John G. Heyburn II  
United States District Court  
Western District of Kentucky

## MEMBERS:

Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

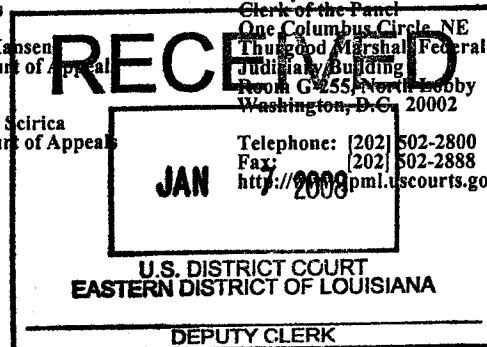
Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

## DIRECT REPLY TO:

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
Thurgood Marshall Federal  
Judiciary Building  
Room G-255, North Lobby  
Washington, D.C. 20002

Telephone: (202) 502-2800  
Fax: (202) 502-2888  
<http://www.pml.uscourts.gov>



January 7, 2008

Loretta G. Whyte, Clerk  
U.S. District Court  
500 Poydras Street, Room C-151  
New Orleans, LA 70130

Re: MDL No. 1657 -- IN RE: Vioxx Marketing, Sales Practices and Products Liability Litigation

(See Attached CTO-127)

Dear Ms. Whyte:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on December 20, 2007. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. § 1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

**The Panel has ordered that its Rule 1.6(a), pertaining to transfer of files, be suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.**

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By

  
Docket Specialist

## Attachments

cc: Transferee Judge: Judge Eldon E. Fallon  
Transferor Judges: (See Attached List of Judges)  
Transferor Clerks: (See Attached List of Clerks)